

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2092

Introduced by Assembly Member Huffman

February 18, 2010

An act to add Sections 85215 and 85216 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2092, as amended, Huffman. Delta Stewardship Council: ~~Planning~~ *planning* and administration: fee.

Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. The council is required, on or before January 1, 2012, to develop, adopt, and commence implementation of a comprehensive management plan for the Sacramento-San Joaquin Delta (Delta Plan), meeting specified requirements.

This bill would require the council to adopt a fee on water supply contractors of the State Water Project and the federal Central Valley Project to fund a portion of ~~the planning and administrative~~ *specified* costs of the council. The fee would be based on a reasonable estimate of the benefits received by the contractors of the State Water Project and the federal Central Valley Project from ~~the council's planning and administrative~~ *activities associated with those costs*. The State Board of Equalization would begin collecting the fee on July 1, 2011, and would be required to deposit the proceeds into the Delta Stewardship Council Planning Fund, which the bill would create. Moneys in the fund would be available to fund ~~the council's planning and administrative~~ *specified costs of the council*, and the costs of the State

Board of Equalization incurred in collecting the fee, upon appropriation by the Legislature. *The council would be required to ensure that the fee does not result in the creation of more than \$_____ in revenue, and the fee could be imposed only until July 1, 2014.*

The bill would require the council to also develop a long term financing plan to pay for the costs of implementing the Delta Plan ~~that identifies the benefits to public and private persons and groups and allocates program costs based on those benefits.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 85215 is added to the Water Code, to
2 read:

3 85215. (a) By March 31, 2011, the council shall adopt a fee
4 on water supply contractors of the State Water Project and the
5 federal Central Valley Project to fund a portion of ~~the planning~~
6 ~~and administrative costs of the council.~~ *all of the following costs*
7 *incurred from July 1, 2010, until July 1, 2013:*

8 (1) *The cost to develop and adopt the Delta Plan.*

9 (2) *The cost to develop and adopt the long-term financing plan*
10 *required by Section 85216.*

11 (3) *The annual administrative costs of the council, not including*
12 *the costs of grants or research projects.*

13 (b) ~~The fee imposed adopted~~ pursuant to subdivision (a) shall
14 be based on a reasonable estimate of the benefits received by the
15 contractors of the State Water Project and the federal Central
16 Valley Project from ~~the council's planning and administrative~~
17 ~~activities~~ *activities associated with the costs described in*
18 *paragraphs (1) to (3), inclusive, of subdivision (a).*

19 (c) *The council shall ensure that the fee adopted pursuant to*
20 *subdivision (a) does not result in the creation of more than _____*
21 *dollars (\$_____) in revenue, and the fee shall be imposed only until*
22 *July 1, 2014.*

23 (d) *The council shall develop and adopt the fee through an open*
24 *and transparent process, that includes no fewer than two public*
25 *hearings.*

26 (e)

(e) The State Board of Equalization shall begin collecting the fee adopted pursuant to subdivision (a) on July 1, 2011. The proceeds shall be deposited by the State Board of Equalization into the Delta Stewardship Council Planning Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available to fund the ~~council's planning and administrative costs~~ *costs described in paragraphs (1) to (3), inclusive, of subdivision (a), and the costs of the State Board of Equalization incurred in collecting the fee, upon appropriation by the Legislature.*

SEC. 2. Section 85216 is added to the Water Code, to read:

85216. ~~By January 1, 2012~~ *(a) By January 1, 2013, the council shall develop a long term financing plan to pay for the costs of implementing the Delta Plan that identifies the benefits to public and private persons and groups and allocates program costs based on those benefits. The Plan. The financing plan shall identify and evaluate the benefits to all groups resulting from the implementation of the Delta Plan, including, but not limited to, all of the following:*

- (1) The public.*
- (2) Urban and agricultural water users diverting water in the Delta.*
- (3) Urban and agricultural water users diverting water in the Bay-Delta tributaries and watershed.*
- (4) Delta landowners, including, but not limited to, reclamation districts and public and private landowners, and building and transportation interests.*
- (5) Delta recreational users.*
- (6) Wastewater dischargers.*
- (7) Commercial fishing.*
- (b) The financing plan shall allocate program costs based on the benefits identified in subdivision (a). The plan shall include fee proposals to create revenues to pay for the private benefits associated with implementation of the Delta Plan. ~~The~~ The council shall not adopt a fee pursuant to this section unless a statute is enacted that authorizes the council to adopt a fee pursuant to this section.*
- (c) The council shall report to the Legislature regarding the plan adopted pursuant to this section after adoption of the plan.*